

IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS

MAY 2008

Law Library Relocated

The Idaho Legislature approved the relocation of the Idaho State Law Library, eliminating the requirement in state law that the library be located in the Capitol or Supreme Court Building. At the same time, lawmakers approved the addition of a fourth judge to the Idaho Court of Appeals and endorsed the relocation of the Court of Appeals to the space currently occupied by the library.

Idaho State Law Library

4th Floor
(Key Bank Building)
702 W. Idaho Street
Boise, Idaho

Library hours:
8:30 a.m. – 6:00 p.m.
Monday through Friday

New Contact Numbers
Front Desk: 208-334-2117
FAX: 208-334-2467

Once remodeling work is completed, the Court of Appeals will move from its rented, off-site location to the Supreme Court Building. Remodeling of the former Law Library space on the main floor of the Supreme Court Building is underway. It is anticipated that the Court of Appeals will move to its new location in the Supreme Court Building near the end of 2008 or beginning of 2009.

The Law Library opened in its new location on April 14, 2008.



Ada ISTARS Conversion Continues

Idaho's largest county is continuing the work to fully convert to the statewide ISTARS case management system and, not surprisingly, it is taking time and patience. Ada County is the only county in the state not on the criminal system. The county has long utilized an "in-house built" criminal justice system that linked with the county prosecutor and the jail facility.

Since the conversion began on March 31, one million current case records have been processed according to John Peay the Director of Information Systems for the Idaho Supreme Court.

The challenge, according to Trial Court Administrator Larry Reiner is "pulling all that data through to the new (ISTARS) system," which integrates criminal justice data from all of Idaho's 43 other counties.

"For the agencies and staff using ISTARS the adjustment has been somewhat difficult and there is a lot to learn," said Fourth District Administrative Judge Darla Williamson. Still, Judge Williamson says the problems and challenges are being worked through.

TCA Reiner said, "(with) any transition on this scale, it will typically take nine months to get people accustomed to the new system and allow the court administrative staff to work out the bumps."

Reiner said he is optimistic that the advantages of the conversion to the ISTARS system will be realized, including standardized statewide programming and data reporting. Until recently, he said, "we've had 43 counties on ISTARS and one on a home-grown system."

Peay said expert ISTARS users from around the state assisted in the early days of the conversion and that "help was critical to getting us started in the right direction. Larry is right. This will take six to nine months, but we will get there." Peay congratulated Ada County staff for their commitment to the project and for their "tremendously productive approach to getting this done."



Remodeling work continues on the former location of the Idaho Law Library, which Court officials hope will be ready for occupancy by the Idaho Court of Appeals early in 2009.



Judge Bush to Assume Federal Position

Sixth District Court Judge Ron Bush of Pocatello will formally assume new duties as a federal Magistrate Judge for Idaho on September 30, 2008.

Judge Bush, a District Court Judge since 2003, is a 1983 graduate of George Washington University Law School.

Candy Dale of Boise assumed Idaho's other federal Magistrate Judge position on March 30, 2008. Judge Dale is the first woman in Idaho to hold the position.

District Judge Edward J. Lodge said of the two new federal magistrate judges: "The cream always rises to the top and here we have two rich in experience and talent and ably qualified to handle the challenges ahead of them."



Chief Justice Eismann, Judge Winmill and Dean Burnett lead the committee seeking to expand legal assistance for disadvantaged Idahoans.



Judges, Lawyers Launch Legal Assistance Initiative

Some of Idaho's top judges and lawyers recently launched a statewide effort to encourage expanded legal assistance for the disadvantaged.

Chief Justice Daniel Eismann of the Idaho Supreme Court, Chief U.S. District Judge B. Lynn Winmill, Attorney General Lawrence Wasden, and University of Idaho Law School Dean Don Burnett recently announced a joint plan to encourage law firms to provide free legal services to financially strapped individuals.

The announcement of the new program came at a news conference at the Idaho Supreme Court on April 14, 2008.

A resolution adopted by the group establishes a Pro Bono Commission that will work with private and governmental lawyers to encourage legal help for the poor. The resolution noted that "equal justice for all is fundamental to our system of government; and the promise of equal justice under the law is not realized for individuals and families who have no meaningful access to the justice system because they are unable to pay for legal services."

Specifically the new Commission will:

- ⚖️ Encourage larger Idaho law firms, corporate law departments, and government law offices to maximize the involvement of attorneys in pro bono services, and
- ⚖️ Explore the development of means and incentives to support attorneys in providing services to those unable to pay for legal services

Chief Justice Shares Knowledge at D.C. Roundtable

Chief Justice Daniel Eismann is well known at home for his advocacy on behalf of problem solving courts here in Idaho and now the state's – and the Chief Justice's – leadership is receiving national attention.

The Chief Justice participated, along with a distinguished national group, in a recent roundtable on problem solving courts organized by the Bureau of Justice Administration (BJA) in Washington, D.C.

"One thing that was obvious" Chief Justice Eismann said, "is that Idaho is ahead of the curve in various areas" with regard to problems solving courts. "We are doing well with our inter-branch cooperation among the Idaho courts and a variety of state government agencies. The cooperation and support we have received from the legislature also sets us apart. It seems that few states have been able to develop that kind of cooperation."

Idaho's move to institutionalize problem solving courts by making them an important part of the court system is another area where Idaho seems to be ahead of many other states. Chief Justice Eismann noted that a number of states which have operated drug and mental health courts for a longer period of time than Idaho have only recently received a stamp of approval from their state supreme court.

Nearly 20 people participated in the day-long, moderated discussion, including state court officials from Utah, Maryland, Pennsylvania, New York, Indiana, Virginia and Vermont; the director of justice programs at American University, and various officials from BJA, the Council of State Governments and the National Association of Drug Court Professionals.

Chief Justice Eismann said Idaho's leadership and innovation have been recognized nationally and his invitation to participate in the roundtable is evidence that the state's efforts have been noticed. Idaho's Drug Court Administrator, Norma Jaeger, serves on the Board of Directors of the National Association of Drug Court Professionals.



Judge Cook, A Career of Leadership

The University of Idaho College of Law awarded degrees to only four women in 1973, and Linda Jean Cook was one of them. As one of the state's first 50 women in law, the Bonneville County Magistrate Judge has witnessed many changes in the courts over the years and contributed substantially to the positive change.

"The job has changed over the years, as families have unfortunately become more dysfunctional," said Judge Cook, referring to the growing trend of grandparents in the role of raising their grand-children. "The Idaho courts have made major evolution to implement a better format for addressing these issues with families and children."

On March 10, 2005, the Idaho State Bar hosted the single largest event in its history when it honored the first 50 women members of the Idaho State Bar, including Judge Cook.

Judge Cook was born in Idaho Falls and grew up in a farming family in Ririe, Idaho. She began her career as a teacher at a college in Walla Walla, Washington, where some of her classes were in the maximum-security men's prison. Cook was the first woman employee "inside the wall" of the prison in its hundred years of operation,

an experience she says gave her important perspective into the minds of criminals. "Being exposed to that different viewpoint was very useful. Their definitions of success may simply be to not get caught. It's a different mindset," said Judge Cook.

The Judge began her legal career in Idaho Falls working both as a prosecutor and in general law. In January of 1976, she was appointed to the position of Magistrate Judge for Bonneville County. Since that appointment, she has been re-elected every four years. As such, Judge Cook currently ranks fourth in seniority in Idaho's judiciary.

Aside from her duties on the bench, the Judge has been professionally involved in civic affairs. In 1993, she was appointed to the Idaho Traffic Safety Commission, which reviews and awards grants for safety projects including bicycle helmets and equipment for rural paramedic units. In 1995, she became a member of the Idaho Supreme Court's Fairness and Equality Committee, which addresses issues of bias such as race and gender in the courts and legal system. In 1995, she was appointed by Governor Phil Batt to the Governor's Task Force for Children at Risk and was subsequently reappointed by Governor Kempthorne.



Ada County Magistrate Judge Appointed

Lamont (Monty) Berecz, 33, of Boise, has been appointed magistrate judge in Ada County. Mr. Berecz has been employed with the Ada County Prosecutor's office since 2001, where he currently is a felony trial attorney focusing on domestic violence cases and serves as an on-call drug prosecutor. From 2000-2001, Mr. Berecz worked as an associate attorney for the Stoel Rives law firm in Boise, where he specialized in products liability defense. Outside the legal profession, Mr. Berecz has over ten years experience in working with youth as a camp director, counselor and instructor in Wisconsin, Colorado and Michigan.

Mr. Berecz is admitted to practice with the Bar of the State of Idaho and the United States Courts. He holds a Bachelor's of Art degree in Biology from Andrews University in Berrien Springs, Michigan and a J.D. from the University of Virginia School of Law.

Mr. Berecz will begin a juvenile court assignment in Ada County, July 1, 2008.

He and his wife, Sophie, and their three daughters make their home in Boise.



PROBLEM-SOLVING COURTS

Rules Rewrite Underway

The Idaho Department of Health and Welfare (DHW) is initiating the rule rewrite for IDAPA 16.06.03, which relates to Alcohol and Drug Abuse Prevention and Treatment Programs. The Department is pursuing an aggressive schedule aimed at having the proposed rules reviewed by the 2009 Legislature.

Town Hall Meetings Set

The Department of Health and Welfare has scheduled the following town hall meetings related to the rule rewrite.

- 05/12/08 – DHW – Coeur d'Alene – 2:30p – 4:30p
- 05/19/08 – BSU – Student Union Building
(During ICADD) – 4:30p – 6:30p
- 05/29/08 – DHW – Pocatello – 2:30p – 4:30p

Briefing from Dr. Doug Marlowe on Drug Court Research

Dr. Doug Marlowe recently joined National Association of Drug Court Professionals (NADCP) as the Chief of Science, Law, and Policy. He is working on a number of exciting NADCP and National Drug Court Institute (NDCI) projects that will

have a far reaching impact on the field. For example, Dr. Marlowe recently completed a brief on evidence-based sentencing principles for release at the annual conference and is currently finalizing NDCI's "how-to" judicial manual for drug court judges which is scheduled for release this fall.

In addition to a number of recent op-eds and journal articles, Dr. Marlowe is keeping his finger on the pulse of the scientific literature related to our field.

To that end, the latest brief on drug court research can be found at [NADCP - Recent Studies of Drug Courts and DWI Courts: Crime Reduction and Cost Savings](#)

Areas being addressed are:

- ⚖️ Aligning the rules governing alcohol and drug abuse prevention and treatment programs with current statutes
- ⚖️ Modernizing obsolete language
- ⚖️ Updating the standards to reflect current practices
- ⚖️ Revising the application process for program approval
- ⚖️ Eliminating those areas that are no longer applicable to current practices
- ⚖️ Requiring a Department criminal history check for all employees rather than the current practice for adolescent treatment providers only
- ⚖️ Including Recovery Support Services
- ⚖️ Potentially revising the acceptance of out of state counselor certificates/licenses to Idaho credentialing



Child Protection Rules Subcommittee

The Honorable Bryan Murray of Pocatello is a magistrate judge in Idaho's juvenile court system, and has served on the Child Protection Rules Subcommittee since its inception more than ten years ago.

The purpose of the Child Protection Rules Subcommittee is to put in place or amend rules that affect child protection, and Judge Murray is pleased with its progress to date. "The Safe Families Act changed the role of courts in child protection proceedings," said Judge Murray. "Before then, there was no one person in the role of enforcer to closely monitor the work of Health and Welfare and to hold parents accountable to comply with court orders," he explained. "The Act has fundamentally changed the way the court is involved with child protection cases. It's a major improvement."

The subcommittee was formed as an outcome of the Safe Families Act. Members meticulously combed through existing rules—amending and adding as needed, with the goal of improving child protection. "Our work may never be done, but it's important for the courts to take an active leadership role in child protection," said Judge Murray. He partly attributes Idaho's increased adoption rates and a reduction in the time children spend in foster care to the work of the subcommittee.

The subcommittee successfully collaborates with Health and Welfare and other agencies to improve the process for children. "It's been very satisfying," said Judge Murray.

Judge Murray also chairs the Child Protection Court Improvement Committee and sits on the Juvenile Rules Subcommittee.

A Pocatello High School distinguished alumnus, Murray graduated from Idaho State University in 1980 with a double major in history and government. He earned his juris doctorate from the University of Idaho in 1982 and was awarded the law school's Advocacy Award. Since taking the bench, Murray has attained a statewide reputation for competency and compassion in his dealing with juveniles and their families.

Family Court Service Coordinators Hired

By Viki Howard

Denise Villa recently joined us as a Family Court Service Coordinator in the Second District. With over 15 years of experience in the social service and mental health fields, Denise has a Master's Degree, formal training and experience in children's services, teaching, training, and counseling. Most recently, Denise has been working with children and families in her private practice providing mediation, co-parent education and counseling to high conflict and separating families and their children. Denise is a certified

mediator, certified parent coordinator, trainer, and consultant in the areas of co-parenting education, domestic violence, child abuse and neglect, forensic interviewing of children, and bullying.

Gary Schreiner is excited to embark on a new journey as Family Court Services Coordinator in the Sixth Judicial District. He previously coordinated mediation programs in the Seventh District, overseeing parent-teen and victim-offender mediation from 2003 to 2005 and small claims mediation from 2003 to 2008. No stranger to Family Court Services, he helped develop coordinated family case management and screening procedures under a pilot project in the Sixth and Seventh Districts, and is on the Supreme Court's custody mediator and parenting coordinator rosters.

Gary received his J.D. from the University of Utah College of Law, and is licensed to practice law in Idaho and Utah. He received a B.A. in International Relations from Brigham Young University, with minors in Japanese and Communications. Prior to attending law school, Mr. Schreiner interned with an aerospace import company located near Gifu, Japan, whose primary customer was the Japan Defense Agency, and then spent three years working in the secondary mortgage market. During law school, he completed internships with the Utah State Courts' Office of the Guardian ad Litem and Office of Alternative Dispute Resolution Programs, as well as mediation and legislative clinical programs through the law school. He was a law clerk for G. Eric Nielson and Associates in Salt Lake City, and clerked for the Third District Office of the Guardian ad Litem. Following law school, he served as general counsel for a mortgage loan servicing and document management company based in Idaho Falls, Idaho until opening his private practice with an emphasis on family law and mediation.

He received his Certified Professional Mediator and Professional Lead Trainer certifications from the Idaho Mediation Association, as well as Master Mediator and Primary Trainer designations from the Utah State Courts. He has served as a member of the District 7 Juvenile Justice Council, and on the boards of directors of the Idaho Falls Youth Arts Center and the Grand Teton Mediation Association. He currently serves on the board of directors of the Idaho Mediation Association, and is Chair of the Alternative Dispute Resolution Section of the Idaho State Bar.

Gary counts among his blessings his beautiful and talented wife Krisalyn, and his 2 ? (one on the way) energetic boys. In his elusive free time he enjoys playing guitar, collapsing on the soccer field, staring at his taekwondo belts in the hope of practicing again, writing music, and finding catharsis writing his fantasy novel.



Wellness Committee Organized

Former Chief Justice Linda Copple Trout is moving quickly to jump start the work of the Idaho Supreme Court's Wellness Committee. Senior Justice Copple Trout is hoping to have the first meeting of the new group scheduled for late August or early September.

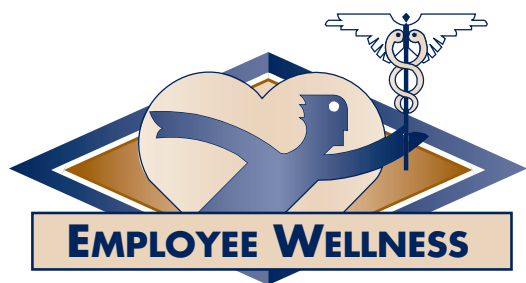
The Supreme Court formed the committee to "implement strategies to help judges and their families with a wide range of issues and needs" related to the professional and personal demands of service in the judiciary.

"The Supreme Court has recognized that there are concerns that need to be addressed and is very eager to develop recommendations and strategies to move ahead in this area," Justice Copple Trout said.

She said she was very pleased by the talented and diverse make-up of the Wellness Committee, which includes Justice Roger Burdick, both Magistrate and District Judges and spouses of judges.

"It is an excellent group representing a variety of perspectives, which will help us determine goals and priorities," said the former Chief Justice.

In the order establishing the Committee, the Supreme Court said: "The Committee's charge is broad, encompassing not only issues related to judicial stress, burnout, substance abuse, and health, but also to preventative measures as well. Issues involving aging and retirement, marital and family health, and physical improvement, among others, are incorporated within the Committee's charge to examine, identify, and promote assistance to Idaho's judges."



Healthy employees are one of the keys to a productive and cost effective workplace. In support of that effort, the Division of Professional-Technical Education is announcing Health Matters, the new statewide Idaho State Employee Wellness resource.

Please take time to visit Health Matters at:
<http://www.healthmatters.idaho.gov>

Other members of the Wellness Committee are:

- ⚖ Patti Tobias, Administrative Director of the Courts
- ⚖ Judge Gregory Culet, Administrative District Judge,
Third Judicial District
- ⚖ Judge Carl Kerrick, Administrative District Judge,
Second Judicial District
- ⚖ Judge Debra A. Heise, Magistrate Judge, Bonner County
- ⚖ Judge Thomas Borreson, Magistrate Judge, Jerome County
- ⚖ Judge Michael Redman, Senior Magistrate Judge
- ⚖ Suzanne Johnson, Trial Court Administrator,
Sixth Judicial District
- ⚖ Robert Hamlin, Idaho Judicial Council
- ⚖ Thomas Lopez, Attorney
- ⚖ Jonelle Simpson, PhD (spouse of Judge Benjamin Simpson)
- ⚖ Doug Copsey (spouse of Judge Cheri Copsey)
- ⚖ Jody Zauha, Division of Professional Technical Education



Impaired Driving Website

With the support of National Highway Transportation Safety Administration (NHTSA) and a distinguished focus group of judges and judicial educators, the National Center for State Courts has created a website on impaired driving. <http://www.courtsanddwi.org>

The website will supplement and enrich instructor-led classroom education as well as provide raw material for presentations at conferences, conventions, and meetings by judges. Included on the website are a series of video clips by a distinguished panel of judges, FAQ's on the problem solving approach and sentencing alternatives, and PowerPoint slides.



Link to 2008 Selected
Legislation of Interest
to the Judiciary:
[2008 Legislative Summary](#)

Juvenile Corrections at New Location

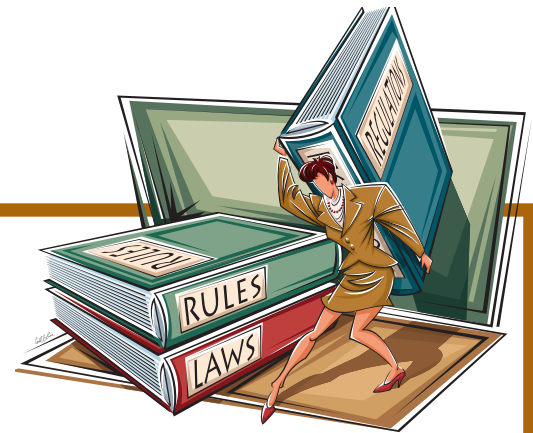
New Address: 954 W. Jefferson Street, Boise

Phone: 208-334-5100

FAX: 208-334-5120

New Orders & Rule Changes

For Current New Orders or Rule Changes, go to: <http://www.isc.idaho.gov/rulesamd.htm>



The Court signed four new orders amending the following court rules:

Misdemeanor Rule 3 and Infraction Rule 3 on citable offenses. These rules have been amended to eliminate the limitation on charging no more than two violations or offenses per citation. The limitation was based primarily on the physical size of the citation; however, with the new e-citation, there is the capability of listing more than two violations on a single citation. The rules now say "more than one" offense may be cited on a single citation.

Criminal Rule 2.2 (e) and (f) and Civil Rule 82(c)(4) and (c)(5) all address special assignments to attorney magistrate judges. The amendments eliminate the need for the Administrative District Judge to seek Supreme Court approval for special assignments to magistrate judges.

Filing Fee Schedule

A new filing fee schedule has been adopted. An opening explanation as to charging fees and what constitutes an appearance by a person other than a plaintiff or petitioner has been added. References to "with prior appearance" and "no prior appearance" have been deleted and a few categories have been consolidated or eliminated.

2008 Rule Highlights

by Cathy Derden (as of 04-09-08)

In Re: Amendment of I.R.C.P. 26, 30, 35, 45, 57, 60 - April 4, 2008 - effective July 1, 2008

In Re: Amendment of I.R.C.P. 6(c)(6) - Idaho Child Support Guidelines - Sections 3, 6, 8, 10, 11 - April 4, 2008 - effective July 1, 2008

In Re: Amendment of I.A.R. 17, 27, 31 - April 4 - effective July 1, 2008

In Re: Amendment of I.C.R. 32 AND 33 - April 4, 2008, effective July 1, 2008

In Re: Amendment of I.R.E. 101, 804 - April 4, 2008, effective July 1, 2008



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Chief Justice Daniel T. Eismann
Justice Roger S. Burdick
Justice Jim Jones
Justice Warren E. Jones
Justice Joel Horton

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

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Thanks!



Note: For the most up-to-date Judicial Calendar,
check the Judiciary's homepage at
<http://www.isc.idaho.gov/calendar.htm>

